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ROBERT M. (RANDY) ROACH, JR.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SCHRADER CELLARS, LLC,
Plaintiff,

vs.

ROBERT M. (RANDY) ROACH, JR.,
Defendant.

Case No. 3:21-cv-01431-SK

**JOINT PROPOSED QUESTIONS
FOR VOIR DIRE**

Pursuant to the Court's Case Management and Pretrial Order [Dkt. No. 53], ("Schrader Cellars" or "Plaintiff") and Defendant and Counterclaimant Robert M. (Randy) Roach ("Roach" or "Defendant") hereby submit the following joint proposed questions for voir dire:

EXPERIENCE WITH PARTIES/WITNESSES

1. Counsel for the plaintiffs will introduce themselves and their clients.
 - a. Do you know any of the attorneys or their law firms?
 - b. The plaintiff in this case is a wine company called Schrader Cellars, LLC. Are you personally acquainted with an officer, director, or employee of that company?

- 1 c. Have you or anyone close to you had any dealings with that company?
- 2 2. Counsel for the defendants will introduce themselves and their clients.
- 3 a. Do you know any of the attorneys or their law firms?
- 4 b. The defendant in this case is an individual named Robert Roach. Are you personally
- 5 acquainted with the defendant?
- 6 c. Have you or anyone close to you had any dealings with the defendant?
- 7 3. Here is a list of potential witnesses who may testify at trial. Do you know any of these people?
- 8 a. Fred Schrader
- 9 b. Randy Roach
- 10 c. Jason Smith
- 11 d. Robert Sall
- 12 e. Maureen Downey
- 13 f. Rick Nommenson
- 14 g. Elizabeth Preston
- 15 h. Warren Harris
- 16 i. Carole Boehk
- 17 j. Denis Rozin
- 18 k. Garth Hankinson
- 19 l. Tom Cunningham
- 20 m. Kurt Peterson
- 21 n. Ariana Penserini
- 22 o. Chris Fehrstrom
- 23 p. Bill Floyd
- 24 q. Carol Schrader
- 25 r. Thomas Brown
- 26 s. Jeff LaBarge

27 **SUBJECT MATTER OF LAWSUIT**

- 28 4. Are you familiar with the wine produced by Schrader Cellars, LLC?

5. Do you have an opinion, good or bad, about companies involved in the growing, bottling, selling, or marketing of wine in the Napa Valley?
6. Have you ever been employed in or involved with the wine industry or know someone in the wine industry?
7. Do you have any training or education in the wine industry?
8. Do you have any education, training, or experience with the law, legal system, or courts?
9. Do you have an opinion about people or companies who file lawsuits seeking monetary damages?
10. Have you ever personally hired an attorney to represent you or a company you own?
 - a. Was your experience positive or negative?
11. Have you or has anyone close to you ever had a negative experience with an attorney?
 - a. What was the nature of the dispute?
 - b. If the dispute is over, how did you feel about the result?
 - c. The defendant in this case, Robert M. Roach, Jr., is an attorney. Do you think that this negative experience may lead you to even slightly favor the plaintiff, Schrader Cellars, in this case?
12. Do you have an opinion, good or bad, about attorneys?
13. Do you have an opinion about the fees attorneys charge for their services?
14. This case concerns a requirement that attorneys obtain their clients' consent to business transactions in writing. Do you have any issue with requiring written agreements over oral agreements, regardless of the preference of the parties at the time?
15. If this Court instructs you regarding what is required for enforcing an agreement between parties, would you be willing to follow that instruction even if you have previously entered into an agreement that did not follow those requirements?
16. Have you ever entered into a business relationship with a friend?
 - a. Was your experience positive or negative?
17. Have you ever entered into a business relationship with a friend?

GENERAL QUESTIONS

1 18. Have you or anyone close to you ever filed a lawsuit, or had a lawsuit filed against you?

- 2 • Briefly, what was the lawsuit about?
- 3 • Was there a trial? How did you participate?
- 4 • What were your impressions of the court system?
- 5 • How satisfied were you (or the person involved) with the outcome?
- 6 • How has that experience affected your thinking about lawsuits in general?
- 7 • How might your experience affect your participation as a juror in this lawsuit?

8 19. Has anyone had a bad experience with a lawsuit?

- 9 • Please tell us more about the lawsuit and why it was a bad experience?
- 10 • How might your experience affect your participation as a juror in this lawsuit?

11 20. Have you ever worked for a company that was involved in a lawsuit?

- 12 • Were you directly affected or were you involved in any way?
- 13 • What did you personally think about it?
- 14 • How has that experience affected your thinking about lawsuits in general?
- 15 • How might your experience affect your participation as a juror in this lawsuit?

16 21. The plaintiff, the side that is making the claims or is filing the lawsuit, has the burden of
17 proving their case and of proving why their claim is justified. Anyone feel that there must be
18 some truth to the plaintiff's compensation claim just because the claim is being made in a
19 court?

- 20 • Would the mere fact that the plaintiff is making a claim for compensation lead you to favor
21 the plaintiff in this case?
- 22 • Or, because they have gotten this far in the court system?

23 20. This case may involve testimony from people referred to as "expert witnesses." Under our
24 legal system, each side can hire expert witnesses and those witnesses get paid for their time and
25 for providing testimony and opinions. Will you have a difficult time trusting a witness because the
26 witness is paid by one side or the other?

27 22. Do you have difficulty understanding the English language, either spoken or written?

23. Do you have any difficulty hearing or seeing what is going on in the courtroom, or take any medication that might cause drowsiness, or experience any physical or mental condition that might affect your ability to decide this case?

24. Have you read or heard anything about this case other than what you have heard today?

25. If you were one of the parties in this lawsuit, is there any reason you might not want someone of your background, beliefs and experiences to serve as a juror in this case?

26. Is there anything I have not asked you about today that you believe could affect your ability to be a fair and impartial juror?

Respectfully submitted,

Dated: February 9, 2023

By: /s/ Stacie O. Kinser
Stacie O. Kinser

Attorneys for Plaintiff and Counter-Defendant
SCHRADER CELLARS, LLC

Dated: February 9, 2023

By: /s/ Jessica R. MacGregor
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